

Application 11/00906/F	No:	Ward: Kidlington	Date 04/07/2011	Valid:
Applicant:	Glenmore Commercial Estates			
Site Address:	Former J A Pye Oxford Ltd site, Langford Locks, Kidlington, OX5 1HZ			

Proposal: Erection of 4 no. two storey buildings for B1, B2 or B8 use with associated vehicle access and parking

1. Site Description and Proposal

- 1.1 This application relates to an irregular shaped 0.72 hectare site measuring approx 110m long and at its widest 80m which is located on the eastern side the Langford Locks approach road between Moss Plastics and Oxford Canal. The surrounding area is populated by a heavy mix of two and three storey B1, B2 and B8 use. The site is currently used partly as car parking and is exposed along its northern, western and southern boundaries, but is screened by mature trees and hedgerow along the eastern boundary separating the site from the canal towpath. It would appear that in this stretch of the canal British Waterways allows for residential moorings. The site is at a slightly higher level than the highway with 3 no. vehicular access points, a foul sewer and pumping station are present in the centre of the site and a main river/culverted watercourse runs beneath and Rushy Meadows SSSI is located SW of the site.
- 1.2 This application follows a series of permissions on the site which are outlined in the history below, however apart from Phase I, none of Phase II consents have been implemented. This current application seeks permission to erect 4 no. two storey buildings with a gross floor area of 3,684m² / 39,659 sq.ft, to accommodate 30 no. speculative units for a mixture of B1, B2 and B8 uses providing a flexible approach to commercial occupancy. The applicant is a developer of small industrial estates, providing units of 1,000 – 5,000 sq.ft for sale or rent for new and growing small business.
- 1.3 The units will be constructed to shell and core stage with minimum power and lighting fittings and designed to be adaptable with scope for office/business premises and workshop/storage space incorporating mezzanines equal to 50% of the ground floor area in 26 of the units, the other 4 no. units are 100% two floor units. The development is to incorporate high standards of sustainable design to minimise the energy demand of the building and will achieve a BREEAM rating of 'Very Good'.
- 1.4 The application has been supported by a Design and Access Statement dated May 2011, Transport Assessment dated December 2010, Phase I Habitat Scoping Survey and Protected Species Assessment dated June 2011 and Reptile Survey report dated July 2011, BREEAM Industrial 2008 pre-assessment report dated 16th

May 2011, Site Investigation Report dated October 2010, Drainage Strategy Report dated May 2011.

2. Application Publicity

- 2.1 The application has been advertised by way of site notices. The final date for comments was 18th August 2011.
- 2.2 No third party comments were received.

3. Consultations

- 3.1 Kidlington Parish Council – Supports the retention of the existing B1 and B8 use of the site, but object to the introduction of B2 use which could be detrimental to the surrounding environment including the Green Belt. The B2 use on this site is not compatible with Policy EMP3 of the adopted Cherwell Local Plan.
- 3.2 Oxfordshire County Council (Highways) – no objection to the principle of commercial development with parking, cycle and vision splay standards considered to be acceptable however raise the following issues:
 - Concern in respect to the B8 use being located on this site due to the likely HGV movements being generated.
 - If B8 is to be approved the local highway authority would require a Routeing Agreement for HGV traffic to prevent HGV movements via Kidlington.
 - It is unclear how HGVs will access, load, unload and leave any of the blocks or where they will turn ie. No tracking plans have been submitted for assessment
 - Requires a developer contribution of £10,317 towards transport infrastructure in Kidlington as part of a S106 agreement.
 - Development to accord to SUDS
- 3.3 Oxfordshire County Council (Minerals) - no objection on the grounds of mineral sterilisation
- 3.4 Oxfordshire County Council (Archaeological) - The proposal does not appear directly to affect any presently known archaeological sites. However, our records do indicate the presence of known archaeological finds nearby, and this should be borne in mind by the applicant. If archaeological finds do occur during development the applicant is asked to notify the County Archaeologist in order that he may make a site visit or otherwise advise as necessary.
- 3.5 Oxfordshire County Council (Drainage) - The roof water run-off from the proposed development will need to go to soakaway or attenuated within the site boundary and not into the highway drainage system. Permission must be sought and approved by Thames Water where run-off is proposed to go into the public surface water sewer. The drainage designs shown attenuation of surface water but the rate of run off still

needs to be agreed with the relevant Authority.

New hardstandings and hardened surfaces should be Suds compliant, ie Permeable or positively drain into a soak-away or attenuated within the site boundary. Surface water from the site should be dealt with within the site boundary and not enter onto the highway and into the highway drainage system. Approval must be sought and approved by Thames water where run-off is proposed to go to the public surface water sewer.

- 3.6 British Waterways – no objection subject to conditions. Seeks developer contributions of £6,000 to be paid to British Waterways for towpath improvements in the area. This sum would be used to help mitigate against any increase in maintenance costs as a result of additional usage by those using the towpath to access the site.
- 3.7 Environment Agency – no objection subject to conditions.
- 3.8 Natural England – subject to the development being carried out in accordance with the submitted plans, there is no objection subject to conditions in respect to impact on SSSI. Comments in respect to Ecology surveys should be sought from in-house ecologist.
- 3.9 Ecology Officer – from the submitted surveys it appears that there are no major ecological issues, but the survey does not mention water voles, which records indicate may be present along that stretch of the canal. It could be that that particular bank alongside the site is unlikely to harbour water voles due to its configuration or substrate, but a statement is needed to that fact. If there is potential for them to be using the bank we need conditions to ensure that they are not disturbed.
- The removal of any woody shrubs or trees on the site must be carried out outside of the bird breeding season.
- There is an opportunity to provide biodiversity measures on the site in the form of planting that will encourage wildlife. Low level directional lighting would also benefit biodiversity.
- 3.10 Head of Safer Communities – comments awaited.
- 3.11 Landscape Officer – Whilst there are a number of mature trees and hedgerow species present on the site there is no objection in principle subject a detailed landscape layout and management plan to be provided as part of a condition
- 3.12 Rights of Way Officer – the public right of way along the canal towpath is unaffected so no objection.
- 3.13 London Oxford Airport – no objection

4. Relevant Planning Policies

- 4.1 National Policy Guidance:
- PPS1: Delivering Sustainable Development and Climate Change Supplement
 - PPS4: Planning for Sustainable Economic Growth
 - PPS9: Biodiversity and Geological Conservation
 - PPG13: Transport
 - PPS23: Planning and Pollution Control
 - PPG24: Planning & Noise
 - PPS25: Development and flood risk
- Draft National Planning Policy Framework – July 2011
- 4.2 Regional Policy in the South East Plan 2009:
- CC1: Sustainable Development
 - CC2: Climate change
 - CC4: Sustainable design and construction
 - CC7: Infrastructure and implementation
 - RE1: Contributing to the UK's long term competitiveness
 - RE3: Employment and land provision
 - RE5: Smart growth
 - NRM2: Water quality
 - NRM4: Sustainable flood risk management
 - NRM5: Conservation and improvement of biodiversity
 - NRM9: Air quality
 - NRM10: Noise
 - BE1: Management for an Urban Renaissance
 - BE2: Suburban intensification
 - T4: Parking
- 4.3 Local Policy in the Adopted Cherwell Local Plan 1996:
- EMP3: Employment generating development
 - C1: Nature conservation
 - C4: Ecology – habitat creation
 - C5: Ecology – protection along the Oxford canal and river Cherwell
 - C14: Trees and landscaping
 - C28: Layout, design and external appearance to be compatible with the character of the context of a development proposal
 - ENV7: Water quality
 - ENV12: Contaminated land

5. Appraisal

- 5.1 The main issues for consideration in this application are;
- policy context
 - history and principle of development
 - design, layout and amenity
 - highways
 - ecology

- sustainability

5.2 Policy Context

As applications must be determined in line with the development plan unless other material considerations are indicated otherwise, the main policy considerations for an application of this sort are to be found in the adopted Cherwell Local Plan 1996. The relevant policies in that plan, set out in Section 4 above, seek to ensure that layout, design and external appearance of new development are of a high quality and appropriate for the character and context of an area.

5.3 Similarly, the proposals must be considered against the requirements of regional policy as set out in the South East Plan 2009. Like the local plan, these policies seek to ensure that development is appropriate for the context of the site and surrounding environment, contributes to the delivery of sustainable development and economic growth.

5.4 Relevant national policy is expressed through the planning policy statements set out above; the most important to this case, taking into account the planning history of the site is PPS4, which seeks to deliver the sustainable economic development and supports existing business sectors whilst making the most efficient use of previously developed land which is suitable for re-use. The emphasis on sustainable development, set out in PPS1 and the Climate Change Supplement is also important in this case and protection and enhancement of biodiversity and ecology as detailed in PPS9. Issues of Flooding and noise are considered under PPS25 and PPS24.

5.5 History and principle of development

As stated above, this site and adjacent site have been the subject to several applications over the last 8 years. Part of wider site to the south, the land was to be developed in phases, with a B1 office development as Phase I, permitted in 2003 and now forms Latimer House and Beaumont House with Phase II relating to this application site, under 05/02266/OUT consented a second B1 office development complex in the form of 4 no. buildings providing 4650m² of floor space. During the consideration of this application, it was confirmed by the applicant that the culverted watercourse beneath the site had been previously diverted and therefore the development would not therefore involve building over a culverted watercourse.

5.6 Following on from this, planning permission was granted under 08/00852/F for 2 no. three storey B1 office blocks, with a gross floor area covering 4940m², but this permission has not been implemented and expired in June this year. Previous to that, under application 07/01426/F permission was granted for a similar scheme for the construction of 2 no. three storey B1 office buildings.

5.7 This site is classified an existing acceptable employment site in both the Adopted and Non-Statutory Cherwell Local Plan 2011. Policy EMP3 of the Adopted Cherwell Local Plan and EMP4 of the Non-Statutory Cherwell Local Plan 2011 are criteria based and seek to avoid harm to the character and appearance of the locality, residential amenity, highway safety and visual impact, as well as facilitating small scale businesses.

5.8 Taking the above history into account, it is considered that the principle of commercial development remains acceptable. The further acceptability of the principle is also informed by the detailing of the scheme; the landscaping, highway safety issues, materials and relationship to the character of the context of the site and mitigation measures in respect to ecology. Also material to this case is the market, as no development has taken place since the last approved scheme in 2008, it is clear that there is no overriding demand for B1 office accommodation within the locality. The proposal therefore seeks consent for flexible commercial accommodation which can be used for B1, B2 and B8 occupiers, allowing use of the site for small or growing businesses.

5.9 The comments made by Kidlington Parish Council are noted, however the SDPHE does not consider that the B2 use of part of the site would cause significant harm to the character of the surrounding area. The site is within a mixed use commercial area and not in the Green Belt or indeed on land abutting the Green Belt. Commercial units further south at Oxonian Park, Langford Locks were granted a consent under 07/01300/F for a similar flexible B1, B2 and B8 use, and this site actually abuts the Green Belt, SSSI and residential development. The occupancy of these units has not caused any deterioration of the area. The principle of the development is therefore acceptable and accords with Policy EMP3 of the adopted Cherwell Local Plan and seeks to provide sustainable economic development in accordance with guidance contained in PPS4.

5.10 Design, layout and amenity

The scale of the development is considered appropriate for the context of the site, the height of the buildings are relative to the neighbouring office development ranging from 7.5m to 8.2m (ridge height) and the layout of the buildings and associated parking allow space around the site without the development appearing cramped within it. The design and choice of uniform material is contemporary but respectful of neighbouring buildings and context and appropriate landscaping will enhance the site. The 3 no. existing vehicular access points are to be maintained and will serve all 4 no. blocks.

5.11 Policy C5 of the Adopted Cherwell Local Plan and NRM5 of the South East Plan 2009 seek to protect and where appropriate enhance the Oxford Canal and biodiversity measures, and supports enhanced public access and opportunities for recreation amenity provided by canal corridors. Whilst no boundary detail has been illustrated on the proposed layout, should any fencing be proposed then feature fencing along the canal towpath should be provided and pedestrian/cycle access onto the canal towpath, allowing access to this corridor. This will enhance the Oxford Canal and will encourage its use as method of recreation and sustainable transport. The development does not seriously harm the amenities of this waterway.

5.12 Highways

PPG13 and Policy TR4 of the South East Plan 2009 seeks to ensure standards of road safety and parking provision are maintained, encouraging alternative methods of transport and the provision of cycle parking to OCC standards and seek

developer contributions towards infrastructure and transport funding.

- 5.13 Whilst the County Council as local highway authority raise no objection in terms of commercial development occupying the site, concerns about the use of the site for B8 occupation raise issues in respect to the type of vehicle likely to access the site. Essentially provision should be made for HGV vehicles to enter, park and manoeuvre within the site without detriment to other highway users. Clearly a large HGV parked on the access road within the is unacceptable as it would result in an obstruction and vehicles waiting on the highway to access the site. Therefore in order to overcome these concerns the applicant's agent has advised that the site is modelled on previously developed sites and has provided illustrations of other schemes elsewhere, which demonstrates that the site is able to accommodate HGV's in terms of access, parking and manoeuvring. Therefore a further drawing illustrating parking areas for HGV's in the site free of the access road has been submitted and has also agreed to a condition preventing Block D from being used for B8 use. Further comments from OCC on this latest drawing are awaited and will be provided in a Committee update.
- 5.14 In respect to the requirement of a Routeing Agreement, whilst these serve a genuine purpose in some instances, it would be difficult to enforce on this site and therefore it has been agreed that this is not necessary. However the applicant has been made aware of the concern and has agreed to add that no HGVs should go through Kidlington centre on route to the site as part of any sale/lease agreement with future occupiers.
- 5.15 Vehicle and cycle parking provision is acceptable in the form of 69 vehicle spaces which includes disabled and light goods parking and 26 cycle stands. Taking the above into account the SDPHE considers that the proposal is acceptable in highway terms and accords with PPG13: Transport and Policy T4 of the South East Plan 2009.
- 5.16 Ecology
- PPS9 places a duty upon Local Planning Authorities to ensure that a protected species survey be undertaken prior to determination of a planning application. The presence of a protected species is a material consideration when a planning authority is considering a development proposal. PPS9 states that "It is essential that the presence or otherwise of a protected species, and the extent to that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."
- 5.17 Local Planning Authorities must also have regards to the requirements of the EC Habitats Directive when determining a planning application, as prescribed by Regulation 3(4) of the Conservation (Natural Habitats etc) Regulations 1994 (as amended). Under art.12(1) of the EC Habitats Directive, Member States requires that a system of strict protection of animal species be established to prohibit the deterioration or destruction of their breeding sites or resting places. The result is that there is in practice two linked systems of regulation. First under reg. 39(1)(d) it is a criminal offence to damage or destroy a breeding site or resting place but under

reg.44 this does not apply if a licence has been granted for such operations and Natural England being that licensing authority. Secondly where planning permission is required reg.3(4) provides that local planning authorities must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions and also the derogation requirements might be met.

5.18 Para. 98 of Circular 06/05 states that Local Planning Authorities should consult Natural England before granting planning permission and the views of Natural England would clearly have to be given substantial weight.

5.19 It is clear that ecological matters are a material consideration that requires up-to-date assessment under the Wildlife and Countryside Act. Consideration is needed to be given on the impact of a development upon protected species and their habitats. No protected species have been identified on the site and Natural England and the Ecology Officer have been duly consulted, their comments have been taken into account and form the basis of the ecology conditions. In respect to water voles, this particular part of the canal is used as residential moorings and the bank is concreted along this stretch, it is therefore unlikely to harbour water voles. However to ensure that none are affected, a further survey should be undertaken prior to the commencement of the development and the findings considered further as part of a suitable condition as required by the Ecologist.

5.20 With regard to impacts on the nearby SSSI, Natural England raise no concerns subject to conditions. Suitable landscaping will be incorporated into the site to provide opportunities for biodiversity. Consequently it is considered that art.12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development. The proposal therefore accords with PPS9 and Policy C2 and C4 of the adopted Cherwell Local Plan.

5.21 Sustainability

PPS1 seeks the delivery of development which is not only of a high-quality in design terms, but also places a strong emphasis on sustainable development. This is reinforced by the Climate Change Supplement to PPS1.

5.22 The developer of this scheme is committed to the sustainable design, construction and use of these buildings; making the most use of passive gains, incorporating innovative thinking, innovative design and construction techniques to provide highly insulated and air-tight buildings, which can significantly reduce the environmental impact of the construction and use of the buildings as well as offer materially reduced energy consumption in-use. A BEEAM rating of Very Good can be achieved which takes account of land use and ecology, materials, energy, water, transport, waste, pollution, health and well being and overall management of the site.

5.23 It is considered therefore that the proposal accords with the intention of the government with regards to sustainable development and provides an opportunity to demonstrate modern development that contributes to sustainable economic growth.

5.24 Developer contributions

As the application is a major development there is a potential for developer contributions to mitigate the impact of the proposal and in this case on transport infrastructure in Kidlington. The County Council has requested a sum of £10,317 towards the necessary transport infrastructure and the applicant has agreed to this and therefore this will be secured through the necessary S106.

Also to be secured through the legal agreement is £6,000 to be paid to British Waterways, for towpath improvements a figure sought previously and agreed given that the canal is a sustainable transport corridor and a place for recreational use by future occupiers of the proposed development.

5.25 Conclusions

Taking the above consideration into account as well as the development plan, the proposal is considered to be an acceptable type, form and scale of development which is appropriately designed for the character and context of the site. It is a way forward to develop this acceptable employment site that delivers flexible, sustainable economic development. Notwithstanding that, the proposal responds well to the constraints of the site; it will not cause harm to ecology, amenity nor will it have an undue effect on highway safety and convenience. The proposal is therefore acceptable and complies with the relevant development plan policies.

6. Recommendation

Approval, subject to

the applicants entering into a Section 106 obligation with the District and County Councils to secure financial contributions towards;

- **transport infrastructure in Kidlington**
- **maintenance of the Oxford Canal towpath to be paid to British Waterways.**

ii) the imposition of the following conditions;

1) SC 1_4A (Time limit for implementation)

2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained thereafter unless agreed in writing with the local planning authority.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan.

3) That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping and landscape management of the site which shall include:-

- tree and hedgerow protection measures

-details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

-details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

-details of the hard surface areas, walls, trellis screens, pavements, pedestrian areas, crossing points and steps.

Reason - In the interests of the visual amenities of the area and to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan.

4) That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan.

5) The protection of any existing tree to be retained in accordance with the approved plans and particulars shall be achieved as follows:

- no equipment, machinery or material shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with plans and particulars which shall have been previously approved under condition no. 3 by the Local Planning Authority in writing;

- if that fencing is broken or removed during the course of carrying out the development, it shall be promptly repaired or replaced in accordance with the approved plans and particulars;

- the fencing shall be maintained in position during the course of construction and until all equipment, machinery and surplus material has been moved from the site;

- within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of on above or below the ground, the ground level shall not be altered, no excavation shall be made, nor shall any fires be lit, without the prior written consent of the Local Planning Authority; and

- no tree to be retained in accordance with the approved plans and particulars shall be cut-down, up-rooted, topped, lopped or destroyed, nor any hedge within the site cut down or grubbed out without the prior approval in writing by the Local Planning Authority.

Reason - In the interests of the visual amenities of the area and to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan.

6) Prior to the commencement of any works on the site, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

Reason - To ensure that the existing trees and hedgerows are retained in a safe and healthy condition and are not adversely affected by construction works, in the interests of visual amenity and to comply with Policy C28 of the adopted Cherwell Local Plan.

7) Before the development is first occupied the access road, parking and manoeuvring areas shall be provided in accordance with the plan (D001-P4) hereby approved and shall be constructed, laid out, surfaced (bound material), drained (in accordance with SUDS) in accordance with full details which shall be submitted for the prior approval in writing of the Local Planning Authority and shall be completed and retained unobstructed except for the access, parking and manoeuvring of vehicles at all times.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction, layout and drainage for the development and to comply with government guidance in PPG13: Transport.

8) That prior to the first occupation of the development hereby approved full details shall be submitted for the prior approval in writing of the Local Planning Authority of the cycle parking facilities and refuse facilities and thereafter these facilities shall be fully implemented as approved. These facilities shall be constructed and made available for use prior to the occupation of the development and retained unobstructed thereafter.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with government guidance in PPS1: Delivering Sustainable Development and PPG13: Transport.

9) Prior to the commencement of the development hereby permitted, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority, the drainage scheme shall incorporate oil interceptors in conjunction with permeable paving in the car parking areas. The approved surface water and foul sewage drainage schemes shall be implemented prior to the first occupation of any building to which the scheme relates. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".

Reason - The groundwater in the alluvium is likely to be shallow and we need to prevent the direct discharge of dissolved or free phase hydrocarbons to groundwater. Therefore surface water run off from large car parks should pass through an oil interceptor and a suitable unsaturated zone should be maintained between the base of any soakaway and the water table. Also to ensure satisfactory drainage of the site in the interests of public health, ecology and to avoid flooding of adjacent land and property and to comply with Policies C1 and ENV7 of the adopted Cherwell Local Plan and Government guidance contained in

PPS9, PPS23 and PPS25.

10) Prior to the commencement of the development and notwithstanding condition no. a further survey shall be carried out to investigate the presence or otherwise of water voles, the survey and results shall then be submitted to the Local Planning Authority and if water voles are found to be present alongside the site, appropriate mitigation measures shall be agreed and implemented prior to the commencement of development to ensure they are not disturbed during the course of the development works.

Reason - To protect habitats of importance to nature conservation from any loss or damage in accordance with the requirements of PPS 9: Planning and Biodiversity, Policy NRM5 of the South East Plan 2009 and Policy C2 of the adopted Cherwell Local Plan.

11) That full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, and such means of enclosure shall be erected prior to the first occupation of the development.

Reason - To ensure the satisfactory appearance of the completed development and comply with Policies C28 of the adopted Cherwell Local Plan.

12) That prior to the commencement of the development, full design details of the proposed lighting to fixed to the buildings or within the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason – In order to safeguard the amenities of the locality and in the interests of the Biodiversity opportunities for the site in accordance with the requirements of PPS9: Planning and Biodiversity, Policy NRM5 of the South East Plan 2009 and Policies C2 and C28 of the adopted Cherwell Local Plan.

13) Prior to the commencement of development, a working method statement covering the diversion of the Thrupp Ditch culvert in accordance with Option 1 of the Drainage Strategy Report, Project No:170.0001/A (Nola Design, May 2011) and in particular Annex 6.14 (overlay on Drawing SK10 Rev P0), shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.

Reason – The construction phase of any proposed development affecting the Thrupp Ditch culvert poses significant risks of flooding and in order to comply with Government advice in PPS25: Development and flood risk and Policy NRM4 of the South East Plan 2009.

14) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason– The site is situated over alluvium (Secondary A Aquifer) and the solid geology under this is the Cornbrash Limestone (Secondary A Aquifer) and these need to be protected from any potentially contaminative activities that have taken place on this site.

The site had issues with contamination in particular with an historic fuel spill, but the site investigation reports provided to date have satisfied our concerns. The data in the site investigation report was 8 years old and part of this land has been used as a car park in this interim period. It is recommend that the developer uses caution during construction and deal with any hydrocarbon contamination encountered to comply with Policy ENV12 of the adopted Cherwell Local Plan and PPS23 and PPS25.

15) That prior to the occupation of the units hereby permitted full design details of any method of mechanical ventilation to be installed within the premises shall be submitted to and approved in writing by the Local Planning Authority. The ventilation system shall be installed and operated in accordance with the approved details thereafter.

Reason – In order to safeguard the amenities of the area in accordance with C28 and ENV1 of the adopted Cherwell Local Plan.

16) That notwithstanding the approved plans and documents, none of the units within Block D shall be used for the purposes of Class B8of the Schedule of the Town and Country Planning (Use Classes) (Amendment)(England) Order 2005.

Reason - In the interests of highway safety and to comply with government guidance in PPG13: Transport and T4 of the South East Plan 2009

17) That no goods, materials, plant or machinery shall be stored, repaired, operated or displayed in the open without the prior express planning consent of the Local Planning Authority.

Reason - In order to safeguard the visual amenities of the area in accordance with Policy C28 of the adopted Cherwell Local Plan.

18) The development hereby permitted shall be carried out in accordance with the recommendations set out in the Phase 1 Habitat Scoping Survey and Protected Species Assessment by CP Ecology dated June 2011 and Reptile Survey Report by CP Ecology dated July 2011 unless otherwise agreed in writing by the Local Planning Authority.

Reason - To protect habitats of importance to nature conservation from any loss or damage in accordance with the requirements of PPS 9: Planning and Biodiversity, Policy NRM5 of the South East Plan 2009 and Policy C2 of the adopted Cherwell Local Plan.

19) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the documents submitted with the application and the following drawings: M900P0, D002P2, D003P2, D004P2, D005P2, D006P2, D007P2, D009P2, D010P2 and amended drawing no. D001P4 received 26/08/11,

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with government guidance in PPS1: Delivering Sustainable Development.

Planning Notes

1) T1 – Third party rights

2) O1 – Archaeology

3) The applicant is advised by the Environment Agency that all sewage or trade effluent should be discharged to the foul sewer if available subject to the approval of Thames Water Utilities or its sewerage agent.

4) The applicant is advised by the Environment Agency that the Control of Pollution (Oil Storage)(England) Regulations 2001 apply to all above ground commercial oil storage in tanks over 200 litres in volume. This means that tanks must be fit for purpose and have secondary containment (or bund) sufficient to contain 110% of the tanks contents. The secondary containment must be impermeable to oil and water and not have any drainage valve. All the tank's ancillary equipment (valves, delivery hose, gauges, vent) must be within the curtilage of the secondary containment or bund. The Regulations have other stipulations and full information can be found on: www.environment-agency.gov.uk/osr or from Pollution Prevention Guidance note 2 for above ground tanks or note 26 for drums and IBCs.

5) The applicant is advised by the Environment Agency that under the terms of the Water Resources Act 1991, and the Thames Regional Byelaws, 1981, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 (eight) metres of the top of the bank of the Thrupp Ditch, designated a 'main river'. This includes the proposed culvert diversion. A consent application should include:

- Full details of the proposed culvert diversion including working method statement.
- Full details of any temporary works required to facilitate the diversion of the culvert.
- Details of any proposed trash screen at the entrance to the culvert as we may wish to access/clear any such structure during a flood event. It should be noted that responsibility for any such structure would remain with the owner.

Following the completion of the diversion the Environment Agency will require a site specific survey to GPS benchmark showing the exact line of the diverted culvert to allow us to update our Main River Map.

6) The applicant is advised by Oxfordshire County Council as Local Highway Authority that HGV traffic should be deterred from using the route through Kidlington centre to access this site. It has been agreed with the applicant's agent that this informative can be included in any agreement with future occupiers of the development.

7) The applicant is advised that any form of signage attached to buildings or within the site may require Advertisement Consent which is a separate permission to planning approval.

SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal pays proper regard to the character and appearance of its surroundings, has no undue adverse impact upon ecology, flood risk, highway safety or amenity of the locality. As such the proposal is in accordance with government guidance contained in PPS1, PPS4, PPS9, PPG13, PPS23, PPG24 and PPS25 and Policies BE1, BE2, CC1, CC2, CC4, CC7, RE1, RE3, RE5, NRM2, NRM4, NRM5, NRM9, NRM10 and T4 of the South East Plan 2009 and Policies C1, C2,

C4, C5, C14, C28, EMP3, ENV7 and ENV12 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

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